

## REMARKS

Favorable reconsideration and allowance are respectfully requested for Claims 1-8 and 20-25 in view of the foregoing amendment and the following remarks.

It is noted with appreciation that Claims 5-7 are deemed allowable.

At the outset, we would like to express our appreciation to Examiner Garcia for the courtesies extended during the personal interview conducted on August 28, 2002.

During the interview, the availability of the §102(d) rejection was discussed. In Applicant's view, the §102(d) rejection was improper in that the inventive entities are not the same. An agreement regarding the §102(d) rejection and the rejoinder of Claims 20-25 was reached.

Responsive to the restriction requirement, as discussed at the interview, Claims 20-25 will be rejoined. Accordingly, withdrawal of the restriction requirement regarding these claims is respectfully requested.

Responsive to the drawing objections, by way of the foregoing amendment, a Request for Approval of Drawing Corrections is submitted herewith. The drawing corrections schematically show rivets in Figure 3. No new matter has been entered. Accordingly, withdrawal of the objection is respectfully requested.

Responsive to the rejections under 35 U.S.C. §112, second paragraph, by way of the foregoing amendment, the rejections are obviated. Regarding Claim 1, Claim 1 recites in part a functional component as a gate-plate of an automatic gear shift mechanism with a locking gate, having engagement holes ..., a functional component as a gate-plate is definite. The functional component has engagement holes. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-4 were rejected under 35 U.S.C. §102(d) as being barred by Applicant's foreign patent DE 198 32 868. Claim 8 was rejected under 35 U.S.C.

§103(a) as unpatentable over DE '868. These rejections are respectfully traversed. As discussed at the interview, in order for this application to be rejected under §102(d), it must have the same inventive entity as DE '868. As these inventive entities are not the same, the rejection under 35 U.S.C. §102(d) is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Since Claims 2-8 depend from Claim 1, Claims 2-8 are also patentably distinguishable over the cited references. Withdrawal of the rejections is respectfully requested.

In view of the foregoing amendment and remarks, the application is respectfully submitted and being in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/49427).

Respectfully submitted,



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## MARKED-UP VERSION OF AMENDMENTS

5. (Twice Amended) Functional component according to Claim 4,

wherein connecting webs lead from the injection-moulded plastic around the hole edge, which said webs [running] run on a base surface of the middle stamped part [and], are [made] of the injection-[moulding] moulded [compound] plastic and from which plug-in domes, which project from the base surface, [and] are formed out at certain points on the webs, and

wherein correspondingly dimensioned passage holes , into which the plug-in domes are fitted, are formed on the two outer stamped parts, congruently with respect to the plug-in domes.

7. (Twice Amended) Functional component according to Claim 5, wherein, in [the] a plugged-in position, the plug-in domes project out of the passage holes of the outer stamped parts and bear against the outer sides of the outer stamped parts, which are remote from the middle stamped part, by way of a flat head which is wider than the dimension of the passage holes.

8. (Twice Amended) Functional component according to Claim 4, wherein spacer lugs are formed from a material which is harder than the injection-moulded [moulding] plastic on inner sides, of the outer stamped parts which face towards the middle stamped part.